



COPY OF PAPERS
ORIGINALLY FILED

37649
4/6/02
5/8/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re. Appln.: Jon D. Kittelsen et al.
Serial No.: 09/828,108
Filed: April 6, 2001
For: COMPOSITE MOUTHGUARD WITH NONSOFTENING FRAMEWORK
Attorney Docket No.: 33116.22
Attorney: Gerald E. Helget
Additional Fees: Charge to Deposit Account No. 023732

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

TRANSMITTAL COVER LETTER

Enclosed for filing, please find the following:

1. Amendment and Response (3 pgs);
2. Petition for Extension of Time Under 37 CFR 1.136(a);
3. Four sheets of Drawings (4 pgs);
4. Change of Address;
5. Check in the amount of \$200.00 for filing fees; and
6. Postcard Receipt.

Respectfully submitted,

Dated: May 1, 2002

By Nelson Capes
Gerald E. Helget (Reg. No. 30,948)
Nelson Capes (Reg. No. 37,106)
BRIGGS AND MORGAN
2400 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 334-8480

CERTIFICATE OF MAILING

I hereby certify that this document, along with the documents referenced above, are being deposited with the United States Postal Service as First Class Mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

By: Nelson Capes
Date: 5/1/02

REMARKS/ARGUMENTS

I. Non-prior art matters.

A. The Office Action objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they do not include certain reference signs mentioned in the description. The Office Action also objected to the drawings as being incomplete.

Applicant encloses herein Figures 5, 7, 8, 10, 11, 11a, and 12, which were inadvertently omitted from the original filing. The missing reference numerals are found in these figures.

B. The Office Action required a substitute specification without claims because there were too many errors in the specification to be corrected by an amendment.

Applicant respectfully disagrees with the Examiner. In conjunction with the drawings which were inadvertently omitted in the original filing and are being supplied herein, almost all errors in the specification have been corrected. One amendment has been made to the specification.

The specification does not contain any new matter, as all features referenced in the specification are shown in the missing drawings which are now being supplied.

C. The Office Action rejected claims 1-6 under 35 USC § 112, first paragraph, as containing subject matter which was not disclosed in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

Specifically, the Office Action states:

There is a lack of support in the specification for figures 10,11, 11a, and 12.

Applicant respectfully disagrees with the Examiner. Figures 10, 11, 11a, and 12 are described under "Brief Description of the Drawings" and are being supplied herein.

D. Allowable Subject Matter

The Examiner indicated that claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 USC 112, 2nd paragraph. However, the Office Action does not contain a rejection of claim 1 under 35 USC 112, 2nd paragraph.

The Office Action also does not contain a rejection of claims 2-6 under 35 USC 112, 2nd paragraph.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

Dated: May 1, 2002

By Nelson Capes
Gerald E. Helget (Reg. No. 30,948)
Nelson Capes (Reg. No. 37,106)
BRIGGS AND MORGAN
2400 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 334-8480